

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1-5 and 11-25 are now pending in this application, claims 6-10 having been cancelled by the present Amendment. Claims 1-25 stand rejected.

Claim Rejections – 35 U.S.C. §112

Claims 11-15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner asserts, “it is not clear what is being simultaneously selected with the advertisement” (see Office Action, page 2, Item 1).

Claims 11-15 have been amended to attempt to clarify certain features of these claims.

However, the Examiner’s position is not entirely understood because, contrary to the Examiner’s assertion, the claims do not recite that the advertisement information is *simultaneously selected* with other information. In particular, claims 11-15 recite “said controller is so constructed as to *feed the advertising information* selected in said selection means to said video/audio output means *simultaneously with the selection.*” Thus, it is clear from claims 11-15 that it is the selection of advertising information and the feeding of the advertisement information to the video/audio output means that occur simultaneously.

Section [0035] of the applicants’ specification (page 15, line 21 – page 16, line 9), indicates that outputting of the advertising information simultaneously with the selection of the

advertising information corresponds to an embodiment wherein the advertising information is output directly, *without storing the advertising information in the CM data memory 14*.

Accordingly, claims 11-15 have been amended to clarify that said controller feeds the advertising information selected by said selection means *directly* to said video/audio output means in response to the selection.

In view of the above amendments and remarks, it is respectfully submitted that the claims particularly point out and distinctly claim the invention in accordance with the requirements of §112, second paragraph. Reconsideration and withdrawal of the rejection under §112, second paragraph, are respectfully requested.

Further, claims 21-25 have been amended to clarify the invention. For example, claim 21 has been amended to change “outputting a message saying” to --outputting a message indicating-- . Claims 22-25 have been amended similarly. .

Claim Rejections – 35 U.S.C. §102

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by **Thibadeau** (USP 5,565,909). For the reasons set forth in detail below, this rejection, to the extent it is considered to apply to the amended claims is respectfully traversed.

Claims 1, 2 and 5 have been amended to include the features recited in claims 6-10. Claims 6-10 recite “*judgment means for judging whether or not video and audio which are being currently outputted are a commercial (CM) appended to a program, said controller being so*

constructed as to feed to said video/audio output means the advertising information selected when said judgment means judges that they are a commercial.”

As will be discussed in detail below, it is respectfully submitted that none of the prior art references disclose or suggest the features recited in presently amended claims 1, 2 and 5.

Thibadeau discloses a digital broadcast receiver that filters broadcast information based on the geographic location of the recipient. More specifically, as shown in Fig. 16 and summarized in the Abstract, the **Thibadeau** system includes a transmitter that transmits digital information and a receiver, which is preferably a tunable apparatus, capable of receiving the digital information.

The transmitter transmits information segments containing information targeted to geographical groups of users. For example, the transmitted information may be advertising information (see, e.g., col. 5, lines 65-67). Location designation codes are inserted into the information segments. The location designation codes include information designating a geographical location associated with the information segment. For example, the location designation can be the location of a service or goods provider in a commercial (“classified ad”) broadcast (see, e.g., col. 7, lines 56-59).

A geographical location selection code is entered into a data processor connected to the user’s receiver. The geographical location selection code represents a point of interest to the user. The geographical location selection code may be entered by a user or may be entered by a GPS receiver (see, e.g., col. 22, lines 20-23). The data processor receives an information segment including the location designation code, and compares the location designation code

with the geographical location selection code entered into the data processor to determine whether the information segment is an information segment of interest to the user.

The information segments corresponding to overlap of the location designation code with the geographical location selection code are processed and either displayed or stored.

Moreover, Fig. 5 of **Thibadeau** and the description thereof in column 14, lines 28-67 also appears to be particularly relevant to the present invention. More specifically, Fig. 5 is related to the operation of the data processor included in the tunable receiver. As shown in Fig. 5, when a message including a location designation is received, the data processor compares the received location designation with a stored location selection to determine whether there is an intersection (i.e., overlap). If the intersection is non-empty (i.e., there is an intersection), the message is designated as “interesting,” and a processing routine to handle that message for *storage, display or both* is determined (see column 14, lines 41-45). The processing of the message may include displaying the message on the screen or storing the message for later retrieval (see column 14, lines 47-48 and 52).

As noted in the §103 rejections listed below, the Examiner recognizes that **Thibadeau** does not teach the features recited in claims 6-10, and relies on **Iggulden** to teach the features recited in claims 6-10 that are missing from **Thibadeau**. However, as discussed below, it is respectfully submitted that the **Iggulden** reference does not alleviate the deficiencies of **Thibadeau**. More specifically, it is respectfully submitted that neither **Thibadeau** nor **Iggulden** nor any of the other cited references disclose or suggest “*judgment means for judging whether or not video and audio which are being currently outputted are a commercial (CM) appended to a*

program, said controller being so constructed as to feed to said video/audio output means the advertising information selected when said judgment means judges that they are a commercial,” as presently recited in claims 1, 2 and 5.

In particular, **Iggulden** discloses a system for identifying selected broadcast segments, such as commercial advertisements, in a broadcast signal and muting the video and audio portions of the selected broadcast segments (see, e.g., Abstract). Further, **Iggulden** teaches that as an alternative to muting the commercial advertisement, the system may completely cut off the broadcast video and audio feed and replace the feed with a logo or the system may switch the reception channel upon detection of commercial advertisement then return to the original reception channel upon completion of the advertisement (see, e.g., column 25, lines 5-22).

Iggulden does not disclose or suggest *feeding to a video/audio output means the advertising information selected [by the selection means] in response to judging that video and audio that are currently being output are a commercial*. As noted above, **Iggulden** teaches three things that may occur in response to detecting a commercial in a broadcast signal, specifically, (1) muting the video and audio portions of the commercial, (2) completely cutting off the commercial and replacing the broadcast feed with a logo, and (3) switching the reception channel upon detection of the commercial advertisement.

Unlike the present invention, **Iggulden** is completely silent regarding replacing the commercial advertisement with other advertising information selected by a selection means that selects the advertising information by the contrast between the information related to the current position and the advertising area information.

In view of the above amendments and remarks, it is respectfully submitted that each of claims 1, 2 and 5, and claims dependent therefrom, patentably distinguish over the cited prior art and define allowable subject matter. Reconsideration and withdrawal of the rejection under §102 are respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 6-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Thibadeau** in view of **Iggulden** (USP 6,002,443). Claims 11-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Thibadeau** in view of **Eldering** (US Patent App. 2002/0178445). Claims 16-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Thibadeau** in view of **Wright** (USP 33,808). Claims 21-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Thibadeau** in view of **Zigmond** (USP 6,698,020).

Claims 6-10 have been cancelled. Each of claims 11-15, 16-20 and 21-25 depend either directly or indirectly from claims 1, 2 and 5. It is submitted that each of the dependent claims is allowable for the same reasons set forth above with respect to independent claims 1, 2 and 5 by virtue of their dependency therefrom.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

Application No. 09/988,336
Art Unit: 2611

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 042206

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "William M. Schertler". The signature is fluid and cursive, with the first name "William" being the most prominent part.

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